

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY
NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

JAN 15 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2009-0007
)	DEPARTMENT B
v.)	
)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
ALVIN CHESTER HILL,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20081524

Honorable John S. Leonardo, Judge

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

V Á S Q U E Z, Judge.

¶1 Following a jury trial, Alvin Chester Hill was convicted of aggravated assault with a deadly weapon, aggravated assault causing serious physical injury, and two counts of endangerment. The jury found all of the offenses were dangerous in nature, and the trial

court found Hill had committed them while on release in another criminal matter.¹ The court sentenced Hill to presumptive prison terms of 9.5 years on the assault counts and 4.25 years on the endangerment counts. It ordered all of these sentences to be served concurrently with each other and the sentence imposed in CR-20073714.

¶2 Hill appealed, and counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has “thoroughly reviewed the Record on Appeal and transcripts from the hearings and has found no arguable issues [to raise] on appeal.” Hill has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, and we have found no error warranting reversal. Viewed in the light most favorable to upholding the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Hill had fired a gun inside a club, hitting the victim of the assault counts in the abdomen and groin and nearly missing the victims of the endangerment counts. Hill presented a theory of self-defense, and the jury was instructed the state had the burden of proving beyond a reasonable doubt that he had not acted in self-defense. Prior to the eight-person jury’s deliberations, the state withdrew its allegation of prior convictions, and the parties stipulated that any sentences ultimately imposed for the

¹Hill waived his right to have a jury determine this issue.

assault counts would be served concurrently, rendering the maximum cumulative sentence possible on all counts less than thirty years.

¶4 Outside the presence of the jury, the deputy county attorney who had prosecuted Hill in CR-20073714 identified him as the defendant in that case, and the trial court took judicial notice of the court's file, finding Hill had been released on bond in that case when he committed the offenses here. Thus, substantial evidence supports his convictions, and the sentences the trial court imposed are within the statutory range authorized for the offenses. Therefore, we affirm Hill's convictions and sentences.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

J. WILLIAM BRAMMER, JR., Judge